

CHAPTER 400. PERMIT TYPES AND APPLICATIONS

SECTION 402. USE PERMITS

402.1. Zoning Amendments - Euclidean

A. Initiation

Proposed Euclidean zoning amendments may be initiated by the Board of County Commissioners (BCC), by petition of owners of seventy-five (75) percent or more of the area involved in the proposed change, or by the property owner. A zoning amendment may only be requested where the zoning amendment is consistent with the Future Land Use (FLU) classification of the subject property or a FLU Map amendment is simultaneously sought.

B. Submittal Requirements

An applicant shall submit required information in the form as specified by the County Administrator or designee.

1. Applicant Information

- a. Proof of ownership; i.e., copy of deed.
- b. Agent of Record letter, if applicable.
- c. Application fee.

2. The signed and sealed boundary legal descriptions and sketches, including any wetlands by delineation.

C. Public Hearings Required

Prior to the enactment of any change in zoning, the Planning Commission (PC) and the BCC shall each hold a separate public hearing on the proposed amendment after all information and facts comprising the application have been submitted.

D. Notice

Notice of the public hearings shall be provided in accordance with this Code and the provisions of Chapter 125.66, Florida Statutes.

E. Review Considerations

The County Administrator or designee, PC, and BCC shall consider all of the following in reviewing a proposed zoning amendment:

1. The existing land use pattern.

2. Whether the approval of the request would result in the creation of an isolated district, unrelated to adjacent and nearby districts.
3. Whether the existing district boundaries are illogically drawn in relation to existing conditions on the property proposed for the change.
4. Whether changed or changing conditions make passage of the proposed amendment necessary.
5. Whether the proposed change will adversely affect living conditions in the immediate and surrounding neighborhoods.
6. Whether there is adequate access from a standard roadway to the site and whether the proposed change will create or excessively increase traffic congestion or otherwise affect traffic safety.
7. Whether the proposed change might result in the reduction of light or air to adjacent properties or areas.
8. Whether the proposed change might result in lower property values in adjacent areas.
9. Whether the property, as rezoned, could be developed in a manner which would comply with other existing County and State regulations governing development.
10. Whether the proposed change would result in, or act as a deterrent to, the improvement or development of adjacent property in accordance with the existing regulations.
11. Whether the property which is the subject of the proposed change is a suitable site or location for the uses available under a proposed zoning district.
12. Whether certain portions of the property are not suitable for development under the proposed zoning classification.
13. Whether adequate public facilities are available to the site including, but not limited to, water and sewer facilities.
14. Whether the property is developable under the proposed zoning classification without appropriate public facilities including, but not limited to, water and sewer facilities.
15. Whether the site proposed for zoning change would be subject to flooding and the effect of such flooding on the proposed or possible improvements on the site.

16. The physical characteristics of the site and the degree of site alteration which would be required to make the site usable for any of the range of potential uses under the proposed zoning classification.
17. The potential need for expansion of public services and facilities to accommodate the proposed development, including the consideration of the results of the Timing and Phasing Analysis performed pursuant to Section 901.12, Transportation Analysis.
18. Whether the proposed zoning change is consistent with the Goals, Objectives, and Policies set forth in the adopted Comprehensive Plan.
19. Whether maintaining the existing zoning classification accomplishes a legitimate public purpose that protects the integrity of the Goals, Objectives, and Policies of the Comprehensive Plan; the public's reliance upon the existing zoning; or another legitimate public purpose as determined by applicable law.

F. Staff and PC Recommendations

1. Staff Review

The County Administrator or designee, after consideration of the above review considerations, shall present a recommendation to both the PC and BCC.

2. PC Hearing and Recommendation

- a. At the completion of the public hearing on an application for a rezoning and upon consideration of staff recommendation and the considerations in this section, the PC shall vote to recommend approval or denial of the application.
- b. The recommendation of the PC shall be submitted to the BCC in written form.
- c. The recommendation of the PC shall be advisory only and shall not be binding on the BCC.

G. BCC Hearing

1. Upon receipt of the staff and PC recommendations, the BCC shall hold a separate public hearing on the proposed amendment.
2. At the conclusion of the public hearing, the BCC may:
 - a. Refer the application back to the PC for further study if additional information is necessary in order to make a decision.

- b. Deny the application.
 - c. Approve the application as requested.
 - d. Approve any other appropriate zoning classification of a lesser density/intensity.
3. If the recommendation of the PC is adverse to the proposed amendment, such amendment shall not become effective except by an affirmative vote of a majority of the entire membership of the BCC.
 4. Approval shall be in the form of an ordinance or resolution approving the zoning amendment.

H. Effect of the Final Decision

1. Approval

The approval of a zoning amendment shall authorize all available uses and dimensional standards, such as setbacks and coverage available in the applicable zoning district subject to further procedural requirements of this Code.

2. Denial

Whenever the BCC has denied an application for rezoning of property, the PC shall not thereafter:

- a. Consider any further application for the same rezoning of any part or all of the same property for a period of twelve (12) months from the date of such action.
- b. Consider an application for any other kind of rezoning on any part or all of the same property for a period of six (6) months from the date of such action.